

UNAPPROVED MINUTES
PLANNING COMMISSION

May 13, 2015

A regular meeting of the Planning Commission of the City of Salem, Virginia, was held in Council Chambers, City Hall, 114 North Broad Street, at 7:00 p.m., on May 13, 2015, there being present all the members of said Commission, to wit: Vicki G. Daulton, Bruce N. Thomasson, Jimmy W. Robertson, Samuel R. Carter, III, and Denise P. King with Vicki G. Daulton, Chair, presiding; together with James E. Taliaferro, II, Assistant City Manager and Executive Secretary, ex officio member of said Commission; Melinda J. Payne, Director of Planning and Development; Charles E. Van Allman, Jr., City Engineer; Benjamin W. Tripp, Planner; Mary Ellen Wines, Deputy Zoning Administrator/Secretary; and William C. Maxwell, Assistant City Attorney; and the following business was transacted:

The April 15, 2015, work session and regular meeting minutes were approved as written.

In re: Hold public hearing to consider the request of Sonal P. and Pinkesh R. Patel, property owners, and Jatin Patel, contract purchaser, for rezoning a 2.67 acre parcel located in the 1200 block of Thompson Memorial Drive (Tax Map # 20-2-4) from RSF Residential Single Family District to HBD Highway Business District (Contract purchaser has withdrawn the request.)

The Executive Secretary reported the petitioner has withdrawn the request.

In re: Hold public hearing to consider the request of David A. Thompson, property owner, and East Main Auto, lessee, for the issuance of an Special Exception Permit to allow a used automobile dealership on the property located at 2031 East Main Street (Tax Map # 78-3-6)

The Executive Secretary reported that this date and time had been set to hold a public hearing to consider the request of David A. Thompson, property owner, and East Main Auto, lessee, for the issuance of a Special Exception Permit to allow a used automobile dealership on the property located at 2031 East Main Street (Tax Map #78-3-6); and

WHEREAS, the Executive Secretary further reported that notice of such hearing had been published in the April 30 and May 7, 2015, issues of the Salem Times Register, and adjoining property owners were notified by letter mailed on May 1, 2015; and

WHEREAS, staff noted the following: the subject property is located at the corner East Main Street and Otter Avenue; it consists of .81 acres and is currently occupied by an

automobile rental business; the property has previously been used for this type business, but it has never had an approval; it is bordered on the north and west by Oak Park Apartments, and the property to the east is being used as a church; and

WHEREAS, Chad Clinevell, owner of East Main Auto, lessee, appeared before the Commission explaining the Special Exception Permit request; and

WHEREAS, David Thompson of 1145 East Main Street, property owner, appeared before the Commission; he noted they have been running a rental car business out of this property but the insurance has gotten so high they decided to let Mr. Clinevell operate an auto dealership at this location; he noted that he feels he will do a good job; and

WHEREAS, no other person(s) appeared related to said request;

ON MOTION MADE BY VICE CHAIR THOMASSON, SECONDED BY COMMISSIONER CARTER, AND DULY CARRIED, the Planning Commission of the City of Salem doth recommend to the Council of the City of Salem that the request of David A. Thompson, property owner, and East Main Auto, lessee, for the issuance of a Special Exception Permit to allow a used automobile dealership on the property located at 2031 East Main Street (Tax Map #78-3-6) be approved – the roll call vote: all aye.

In re: Hold public hearing to consider the request of Dev Mohan LLC, property owner, for rezoning the property located at 2246 West Main Street (Tax Map #168-2-1.1) from LM Light Manufacturing District to HBD Highway Business District

The Executive Secretary reported that this date and time had been set to hold a public hearing to consider the request of Dev Mohan LLC, property owner, for rezoning the property located at 2246 West Main Street (Tax Map #168-2-1.1) from LM Light Manufacturing District to HBD Highway Business District; and

WHEREAS, the Executive Secretary further reported that notice of such hearing had been published in the April 30 and May 7, 2015, issues of the Salem Times Register, and adjoining property owners were notified by letter mailed on May 1, 2015; and

WHEREAS, staff noted the following: the subject property is located at the southeast corner of West Main Street and Salem Industrial Drive and consists of .259 acres; the previous use was a convenience store with gas pumps; the petitioner has cleaned up the property,

including removing the old canopy, the fuel pumps and the fuel tanks; this request is to rezone the property to allow it to be used as a local independent pharmacy; and

WHEREAS, Kirtesh Patel of 2126 River Oaks Drive, Salem, property owner, appeared before the Commission explaining the rezoning request; he noted he purchased the property about a year ago and has cleaned the property up including removing the gasoline tanks; he is proposing to operate a retail pharmacy; he currently owns and operates Fort Lewis Pharmacy; they will be packaging medications for patients taking multiple medications; and

WHEREAS, Chair Daulton asked if this would be an extension of Fort Lewis Pharmacy, and Mr. Patel noted this would not be an extension but a new pharmacy; and

WHEREAS, Vice Chair Thomasson asked if most of the pharmaceuticals would be pre-packaged, and Mr. Patel noted that this was correct; Mr. Thomasson also asked if the medicines would be for elderly care; Mr. Patel noted the name of the packaging is Dispill® which will have all the medicines a patient needs to take at one time; they will not have to open multi medication vials, which also increases compliance with taking their medications; and

WHEREAS, Commissioner King asked if all the dispensing would be done this way, and Mr. Patel noted it would not be just for those who need this type of packaging; and

WHEREAS, Vice Chair Thomasson noted that anyone could get a prescription filled, and Mr. Patel noted it will be like a regular retail pharmacy but this is a service they are providing which big box stores do not provide;

WHEREAS, Commissioner King noted on the drawing submitted there will be a drive-through window; she asked how this would be handled, in particular how will the traffic flow; the petitioner noted the cars would come in the front entrance off West Main Street and will exit onto Salem Industrial Drive; and

WHEREAS, Commissioner King asked how many parking spaces would they have; Mr. Patel noted they do not know how many at this point, but he thinks there will be at least ten spaces; Mrs. King noted there was some concern about cars coming in and backing up because of the drive-through; Mr. Patel there should not be a problem with cars backing up into the street; and

WHEREAS, Vice Chairman Thomasson noted he is sure they have already met all the compliance regulations with the State Board of Pharmacy, etc., and Mr. Patel noted that he was correct; and

WHEREAS, Chair Daulton asked Staff if they are in compliance with regards to the gas pumps and tanks, and Mr. VanAllman noted that this would be under regulatory compliance with the Virginia Department of Environmental Quality; so if DEQ has signed off on the property, then they are in compliance; Mr. Patel noted that have received an approval from DEQ; and

WHEREAS, no other person(s) appeared related to said request;

ON MOTION MADE BY COMMISSIONER KING, SECONDED BY COMMISSIONER CARTER, AND DULY CARRIED, the Planning Commission of the City of Salem doth recommend to the Council of the City of Salem that the request of Dev Mohan LLC, property owner, for rezoning the property located at 2246 West Main Street (Tax Map #168-2-1.1) from LM Light Manufacturing District to HBD Highway Business District be approved – the roll call vote: all aye.

In re: Hold public hearing to consider the request of Elizabeth Medical Park LLC, property owner, for the issuance of a Use Not Provided for Permit to allow an in-patient rehabilitation facility on the property located at 125 Knotbreak Road (Tax Map # 148-1-5)

The Executive Secretary reported that this date and time had been set to hold a public hearing to consider the request of Elizabeth Medical Park LLC, property owner, for a Use Not Provided for Permit to allow an in-patient rehabilitation facility on the property located at 125 Knotbreak Road (Tax Map #148-1-5); and

WHEREAS, the Executive Secretary further reported that notice of such hearing had been published in the April 30 and May 7, 2015, issues of the Salem Times Register, and adjoining property owners were notified by letter mailed on May 1, 2015; and

WHEREAS, staff noted the following: the subject property consists of an approximately five-acre parcel located at the terminus of Knotbreak Road, near the intersection of Idaho Street and Texas Street; the parcel is currently vacant; this request is for a Use Not Provided for Permit to allow the construction of a 32,000 square foot, 48 bed in-patient rehabilitation

center; the new facility would provide treatment of drug and alcohol addiction in a residential setting; the existing outpatient and extended stay programs will continue to operate at the current location at 405 Kimball Avenue; for the purposes of this request, staff has defined “In-patient Rehabilitation Center” as an establishment primarily engaged in the treatment of drug and alcohol addiction in an in-patient setting, and which is licensed by the Commonwealth of Virginia; and

WHEREAS, Chair Daulton noted that it appeared the rest of those in attendance must be here for this item on the agenda; she asked that the speakers not be redundant, and she noted that the Commission is a recommending body only; and

WHEREAS, Dan Friesland of Elizabeth Medical Park LLC, co-property owner and managing member, appeared before the Commission explaining the request; he also introduced Alan Criss, co-owner and managing member of Elizabeth Medical Park LLC; he noted Elizabeth Medical Park was formed several years ago in order to bring a first class medical facility to the property where he grew up which was formerly known as the Lutheran Children’s Home of the South; he further gave background about the Salem Commerce Park; it was the City of Salem’s vision and their vision as well to bring to fruition a business within this property to compliment the already thriving businesses in the park; a business that would benefit the citizens of Salem for years to come; Mount Regis Center is that health care business; it has existed quietly here in the City for well over 65 years; as the developer, Elizabeth Medical Park (EMP) has joined forces with Mount Regis to ask for the Commission’s support in relocating their in-patient drug and alcohol rehabilitation 48 bed, 32,000 square foot facility on the 5 acres purchased by EMP; this new facility will be a destination center much like a “Betty Ford Center” with programs offered to participants from a multi-state region; he noted as developers they will not operate the center; Curt Lane, CEO of Mount Regis Center, is in attendance at the meeting; he noted they have renderings and pictures with them to show; and

WHEREAS, Curt Lane of 1106 Grace Street, Salem, CEO of Mount Regis Center, appeared before the Commission; Mount Regis Center has been a private drug and alcohol treatment center operating in a residential neighborhood right here in Salem for over 65 years; they treat non-acute, voluntary adult clients from Salem, our surrounding communities, and all over the county; they are currently working with Elizabeth Medical Park to develop a state of the art facility to accommodate the growing demand of clients sent to them by employers, medical professionals, professional counselors, and their own neighbors, friends and families here in Salem; they will continue to provide extended care and outpatient services from their current location on Kimball Avenue; this facility will provide employment for up to 75 professional, semi-professional, and non-skilled staff; their contribution to the economic strength of Salem

will likewise grow through the support business with whom we do business; hotel rooms for visiting family members, local service providers, retail vendors, and other medical and behavioral healthcare practitioners; the facility is planned to accommodate additional growth in the next two to five years should the public need continue to grow at the current pace; they are not a methadone center; so they do not put patients on methadone or suboxone maintenance programs; they are an abstinence-based program; equally important, it is only natural that folks might ask who are their clients and do we want this in our backyard; it is poignant to note that this hearing is held on this day where we are all following the events of the tragic derailment of the Amtrak train in Philadelphia which has resulted in 200 injured and 7 fatalities; in the past four years, Mount Regis Center has treated over 200 employees of railroads across the nation; their work effects entire communities, and they treat what is essentially a blue-color population who are medically and mentally stable; if they are not medically and mentally stable, they cannot admit them to their program under their licensure; they treat nurses, pharmacists, school teachers, preschool workers, business owners, college students, secretaries, supervisors, accountants, coworkers, neighbors, best friends, nephews and nieces, sons, daughters, and mothers and fathers; this problem exists across our country and our own neighborhoods here in Salem; the problem is here – that can't be questioned; the real question is do we want the solution in our neighborhood to deal with it; the facts speak for themselves; they have been in your backyard for over 65 years; they have single family homes within 30 yards of their front door; there is an apartment complex, restaurants, a day care center, and small businesses within a quarter of a mile; Sergeant Carla Spenser of the Salem Police Department was good enough to speak with him today about their impact on the neighbors on Kimball Avenue; in a quick survey going back to the beginning of the year, she verified they have an excellent record in the neighborhood; he noted he started at Mount Regis in 1996 and is not aware of any complaints since that time; he thanked the commission for and members of the community for their support all these many years and ask that we continue to support them in their work to keep Salem safe and healthy; and

WHEREAS, Mr. Criss noted they had a few more drawings showing the building and how it will be situated on the property; and

WHEREAS, Chair Daulton noted that he mentioned he felt this could be a growing business over the next several years; she asked where they would expand the facility on the property; Mr. Lane explained the layout of the facility and noted it is very consistent with the architectural design so it will maintain the look they are trying to strive for – an upscale facility; he noted the design is for containment and he also indicated the two possible areas for expansion; and

WHEREAS, Chair Daulton asked if would be a fenced in area, and Mr. Lane noted that they are a voluntary unit and they do not have court-ordered patients at their facility so it will not be fenced; and

WHEREAS, Vice Chair Thomasson noted that Mount Regis strictly treats drug and alcohol addiction, and he asked if they accepted co-morbid issues; Mr. Lane noted they have to admit on the diagnosis of a substance issue; about 80 percent of the population experiences depression or anxiety; they do screen patients for this and talk to them about the need for treatment once they leave the facility but there is not much they can do to really address this problem; the average length of stay is only about 20 days and so about the only thing they can do is to identify the problem, give them a sense of direction and refer them on; and

WHEREAS, Commissioner Robertson asked how many patients they have at the current facility on Kimball Avenue and how many will they be able to handle with the proposed facility, and Mr. Lane noted they have 25 beds currently and the new facility will have 48 beds; he further noted they will continue their services at the present location for extended care and for their out-patient program; and

WHEREAS, Commissioner King asked if there would be any outpatient anticipated on this site, and Mr. Lane noted there would not be any outpatient care on this site; he noted they have hoped for some time to keep them separate as it is easier to administer and to design the buildings for flow, etc.; and

WHEREAS, Vice Chair Thomasson asked Mr. Lane if he would characterize the typical patient coming to one of their facilities voluntarily who is truly intending to get help and not be obstinate or violent in any way; Mr. Lane noted he was correct; they screen them quite carefully as they go through two days assessment when they come in and are screened before they come to the facility; they check for any potential for harm to themselves or to someone else; they are licensed sub-acute so they do not do any restraints, seclusion or anything such as that; from a medical standpoint, they cannot run iv's so they know their role so they screen the clients very carefully; if someone comes in and they need that, then they refer them to an acute care facility; and

WHEREAS, Vice Chair Thomasson noted a patient can admit themselves, go through the process, find that the therapy is not meeting their needs, and can voluntarily leave; Mr. Lane noted that this is correct – the patient can sign themselves out; he noted that about 6 percent of their admissions leave voluntarily; the rest stay for the completion of the program; they have a small percentage of individuals who come in who have mixed motivation and are not ordered there; he noted they are coerced by a spouse to come; and

WHEREAS, Vice Chair Thomasson asked about the recidivism or relapse rate; Mr. Lane noted that this is a hard thing to track simply because they deal with all types of substance abuse issues from alcoholism to prescription drugs; many of their patients are poly-substance which means they use alcohol and prescription drugs, etc.; so it is really hard to categorize it; industry wide it depends on the age, and they deal with 18 years and up so they are not able to track it in a way to make it worth their time; they have just started a relapse prevention program for people who come back to them the second time and it is designed to examine what happened after they left treatment that was not effective to help them learn better coping or life management skills; and

WHEREAS, Commissioner Robertson asked if they are teaching the patients better ways to live their lives while they are there; Mr. Lane noted that this is what they do exactly; the people who come to their facility are not homeless; he further explained they come from middle class families, i.e. engineers, conductors, flight attendants, etc.; they do not want to lose their jobs or families but unfortunately they have created bad patterns to deal with stresses in life; so they help them to sort of hit a reset button and give them tools to help them handle life and stress more effectively and create a network; he noted we are very blessed in the Roanoke Valley to have a very strong Alcoholics Anonymous community; further, this is recognized in other areas so they receive referrals from many states; the furthest referral he can recall came from a railroad in California; he further noted other states as well as other areas in Virginia where they have received referrals; and

WHEREAS, Vice Chair Thomasson noted a lot of patients probably go out of their community because they do not want to face the social stigma of having to deal with their problem; he further noted that if this facility were to become a reality that would probably be something we could expect; Mr. Lane noted that he was correct; he noted this is why they try to do their work very quietly and they leave it to their patients to make the decision on who they want to tell; much of the community forgets they are even there, and they have been there as a rehab facility since the 1940s with no adverse effects; in fact he left Mount Regis Center for a while to run a family business came back and he was surprised to see the field across the street had filled up with \$180-200,000 homes, just right across the street from the facility; and

WHEREAS, Barney Horrell of 3555 Carvins Cove Road, Salem (Roanoke County), appeared before the Commission on behalf of the Salem Montessori School; he noted many parents, teachers, and property owners are in attendance as well; he noted that there are many more who are not here this evening; they passed around a petition and he noted there are 187

signatures in opposition to the proposed project; he noted that he also had a handful of letters from parents and teachers as well that he was submitting; he noted he is here sort of in an unusual position for a couple of reasons; the first is a moral dilemma – it is one that we all have; we understand the need for this type of project and realize that a community needs places to live, work, learn, and unfortunately places to make self improvements; the dilemma is that while we want to support the people who are striving to improve themselves they feel that the location which has been selected is ignoring all the other uses that surround it; one of the overhead aerial photos presented this evening shows the proposed project, and it backs right up against the Elizabeth Campus, where there are college students living; it is within very close proximity to the YMCA, which has a very important and thriving after school program with a lot of children delivered there every day; further there are a lot of people who come to this facility early in the morning and late evening during winter time when it is darker; it also adjoins the Montessori school project; there is an existing Montessori school at 101 Corporate Boulevard which also includes the wooded lot immediately south of the YMCA; this wooded lot is being used by the school programs, and they have owned it for several years; they have proffered and agreed to keep this property as open space; they have maintained the grove of trees and put in foot paths and some learning stations; the kids are over on this parcel very frequently exploring nature with a hands on type of thing; the children are encouraged to explore under the careful supervision of the teachers, etc., and it is a concern of the proposed project that this would be a location that would be desirable if someone were to decide they did not want to be in the program anymore; so, if this person decides to check themselves out and did not have someone to pick them up right away, they would look around and see a tree lot to go hang out if it is hot and they needed shade; there are two other places for trees, the back of the Elizabeth Campus and the other would be to the Montessori woods; there is no fence there and the proposed project does not include fencing; he noted that this would be a very short logical place to go into the wooded area that the Montessori school owns and uses on a daily basis; he noted that he has been here many times with other projects and he has been in the unfortunate situation of being in a room packed against him as well; he has heard the argument many times regarding not in my back yard, and he is sure the Commission has heard this as well; he noted that change is hard but in this case he feels that the opposition of people behind him in the room is warranted and it is based on primarily a safety concern; it is a safety concern for not just the Montessori school but the college, the YMCA patrons, the Civic Center and Fair directly across the street; we are putting this facility in midst of an area that is focused on individual and community growth; he feels that interjecting this potential for a safety issue is an important thing to consider; he further noted that six percent of the people who enter the facility check themselves out and they are proposing 48 beds that means 3 of those will check themselves out; if they are there for a three week program roughly, this would be 52 people a year who check themselves out of the building; if they do not have a ride, what are they going

to do, they are going to walk somewhere; he noted we need to look around and see where they are going to walk; he asked that the Commission deny the request based on the safety concerns; and

WHEREAS, Commissioner King noted in the letter they had received from him that the exploring of the outdoors is done under the watchful supervision of the Montessori staff; so is there some concern that somehow the kids are going to get loose from the staff; Mr. Horrell noted that is not the concern; there are foot paths with benches and other activities for the kids; the concern is if there is someone already in the woods when they walk in, they will not know that; they may walk up on someone who is in a bad situation or in bad condition; and

WHEREAS, Vice Chair Thomasson noted that this person could be totally unaffiliated with the proposed facility as there are bad people everywhere; Mr. Horrell noted that he agreed with Mr. Thomasson, but he feels that we are introducing a population where three more people will be dumped into the area;

WHEREAS, Mr. Horrell noted that he is also a parent and they are building another facility immediately south of the existing school; they will be moving toddlers from the facility which is across from General Electric, investing a six figure amount to create a new facility; they have a couple hundred children there; his wife is a clinical psychologist at the Salem Veterans Administration and she works very closely with a very similar population; she focuses primarily on post-traumatic stress disorder and the vast majority of her patients are also suffering from a substance abuse history so she very familiar with the patients that are likely to be at this facility; unfortunately a lot of them do have a past history of making bad decisions and have some criminal background, some of it worse than others; he reminded the Commission that three of those patients at this facility are going to walk out every three weeks and get dumped out into the area; and

WHEREAS, Chair Daulton noted that she was on the Commission when the Montessori school came before them and the neighbors around the property were very much against the school because of the children, etc.; she noted that the Commission needs to listen to all sides; he further discussed the Montessori school being a good neighbor, etc.; he noted he would argue there is a very large difference between kids playing and making noise than the potential safety hazard we are creating with this possible project; and

WHEREAS, Vice Chair Thomasson noted that he felt Mr. Lane needed to address the type of patient that would be admitted to the facility; he noted that he is very familiar with the current facility, and he would seriously doubt they would admit someone with post-traumatic

stress disorder; Mr. Lane noted that if someone had active sub-acute stress disorder diagnosis that had not been treated and was not stable, they could not admit them; Mr. Thomasson noted he wanted to make certain everyone is clear on the types of individuals that they would be treating; Mr. Lane further noted that the primary diagnosis is substance abuse; a lot of their clients do have multiple problems, such as depression and anxiety naturally; it is a cross section of the blue collar public; he further noted that these are stable individuals who are not exhibiting any recent or current threat to themselves or to anyone else; this is deliberately something they look for in their screening tools and they repeatedly ask them; if they see any signs that are inconsistent with what they are telling them, then they are transferred; he noted the reason he cited that statistic is because it is a fact that they have that percentage who leave; the overwhelming majority have transportation but they do have those who walk away from the facility, but here again, it has created absolutely no issues in over 60 years with their neighbors, local businesses, etc.; they just want to get home; and

WHEREAS, Chair Daulton asked Mr. Lane what he would say that the neighbors would say about the care that is given to the patients and the grounds; he noted that the only comment he has had since he has been CEO for two years was that a neighbor told him they had made dramatic improvements to their building which is circa 1890, which is kind of a difficult thing to do; he further noted the CEO of the company who owns Mount Regis now reads the surveys from all 200 clinics in cycles, where they get feedback from the patients on a number of issues on how they felt about their treatment; they receive feedback from him and they have performance standards to make sure they are giving good quality care; the reason they are growing at the rate they are is because of this; they maintain a very clean facility in terms of the conduct from their clientele; if they have individuals who they think are not motivated and they are not participating in the program or they are being obstructive in some way, they will have the family come and take them away; they are very protective of their environment and very conscientious of being a good neighbor; and

WHEREAS, Vice Chair Thomasson asked Mr. Lane if it would be a fair question to ask him the need for a facility of this type, wherever it happens to be located, would be tied to an increase in alcohol and substance abuse particularly in this part of the state if not the country; Mr. Lane noted that this was exactly correct; he stated he was invited to the Virginia State Heroin and Prescription Drug Summit last fall and the state is trying to figure out how they can manage the emerging epidemic here in Virginia particularly with heroin and prescription drug abuse; Mount Regis has been dealing with that for about 8 years and because of their reputation and because of their success from that, they get about 60 referrals from the Pittsburgh area; he noted last year about the same time that Philip Seymour Hoffman, American actor, director and producer, died of a heroin overdose, there were 25 people who

died in Pittsburgh because of the same run of heroin which was unusually pure; a lot of people unfortunately overdosed; he noted it is an epidemic in other parts of country and it is growing very quickly in Virginia and thus we have the demand for this; they are just trying to meet this need to keep our community safe; and

WHEREAS, Commissioner Robertson asked if they are staffed to treat a variety of different problems, and Mr. Lane noted that they are staffed to treat a variety; Mr. Robertson asked how many people they have on staff to treat, and Mr. Lane noted that they have six people on their clinical team, he thinks it is 10 on the medical team, and they have clinical staff seven days a week; further, they have added staff on the weekends and in the evenings this is just in the last two years ago; Mount Regis Center in the past just had counseling from 8 until 5, Monday through Friday; they are now seven days a week from 7 am until 9 pm; they take their patients out in the community to local 12 step groups in churches, local hospitals, and local community centers every day; they have done this for many years; and

WHEREAS, Commissioner King noted going back to the individuals who are able to sign themselves out and who may not have transportation; at the current facility, there is a day care center located very close at Bethel Baptist Church; she asked how many times they have received complaints from the church or had a police officer called to the site within the last three years; Mr. Lane noted that they have never had a complaint from the day care center and the only interaction they have had with local police enforcement was one time; they had a gentleman who wanted to leave and who had his own vehicle; they delayed giving him his keys until they could get the City police to evaluate him to make sure he was safe to drive; he was in their detox program and though technically he should be fine considering he was on a tapered dose, they still erred on the side of caution; the police evaluated him as safe, they gave him his keys and he drove away; he further noted they installed a sidewalk running from their front door to the second parking lot which is a pretty long stretch in order to keep their clients out of the road; it is used constantly by people in the community who walk up and down the hill to the 7-11 – they actually use it more than Mount Regis does; and

WHEREAS, Dr. Jessica Jeffrey of 815 North Mill Road, Salem, appeared before the Commission; she noted that she has lived in the area for more than 10 years; she is a board certified psychiatrist practicing in child psychiatry; she noted she is wearing two hats this evening; she has worked in various hospitals in the area as part of her training, inpatient, outpatient and also in crisis detox alcohol and drug stabilization programs; she stated she does not think this is a very good location for this particular business; many of the patients do not have their own transportation so foot traffic is important to them; further, many of the patients are well served by the bus routes having access to convenience stores for things like cigarettes,

sodas, etc.; she noted this location will not afford them opportunity to do that; she thinks few people in the room understand the prejudices and difficulties this patient population faces; in her practice, she has referred patients to Mount Regis and she appreciates the work they do; there is no doubt in her mind she faces difficulties with her patients who have a lot of prejudices against their diagnoses, however, she disagrees that patients being admitted to a alcohol and drug detox facility are completely stable; because alcohol and drug dependence is by definition mental and physical instability; it is also true that these diagnoses often have other issues such as anxiety, bi-polar, schizophrenia, sociopathy, etc.; she does not believe that screening can preclude patients with these diagnoses nor does she think that screening can preclude patients with sexual offender status as well; it seems to her that such a large facility is serving the needs of much greater population than Salem itself and she does not see how it this is going to serve the community directly; as a parent she is concerned about the fact that patients can check themselves out and if they are lacking transportation, they may find themselves in crisis; further, this facility is in close proximity to a lot of families and children; and

WHEREAS, Vice Chair Thomasson asked if she had ever referred a patient to Mount Regis with a co-morbid issue, and Dr. Jeffrey noted that she had; he asked if they were successfully treated, and she noted she was sure they were although there was not a follow up; she believes that Mount Regis has a great reputation; she would say from personal experience that many of the patients, not all that many, who are admitted to an alcohol and drug detox facility do have co-morbidity such as anxiety or depression, etc.; Mr. Thomasson noted so they were self-medicating; Dr. Jeffrey noted that she hated that term because to medicate usually means to a degree they did not put a lot of thought into it; prescription drugs is a huge problem in this area, and she has lived here for 10 years; alcohol and drugs are often turned to by people who have an issue with emotional instability; so while she applauds these facilities as necessary she thinks that the location is not a good choice simply because we do not find mental health clinics in office parks we find them where people can access them; and

WHEREAS, Commissioner King asked if she had a problem with the location of Mount Regis near a day care center and a residential area; Dr. Jeffrey noted that she has been on Kimball Avenue but she has not been close to Mount Regis; she noted every area is going to be different but it was mentioned that Kimball Avenue had sidewalks and a 7-11 store nearby; this is what she was talking about with people not having transportation; she does not know if the bus route goes on Kimball Avenue; but if she were a planner, she was locating a clinic that would be serving this type of population she would want a) proximity to public transportation, b) would expect a lot of foot traffic, if they want to get cigarettes and sodas down the street at the 7-11; she would want a facility that would be serving their needs, but it seems to her that in

this area that would mean the people need to have a lot of automobile transportation and have close ties to the community; and

WHEREAS, Chair Daulton asked staff how far is the Choice store from the proposed facility; Ms. Payne noted it is probably one-half mile and there is a bus stop; the bus goes right by the Salem Civic Center and the intersection near the proposed facility – so there is public transportation; and

WHEREAS, Dr. Jason Grove of 5115 Briar Drive, Roanoke (?) appeared before the Commission; he noted that he is also a psychiatrist in the community; he noted that he had written quite a lot to say but it seems his friends and colleagues have framed it quite well; he stated he had some corrected statistics; it had been mentioned that Mount Regis with the serving of substance abuse patients that there is an 80% co-morbidity of depression and anxiety, there actually is a large co-morbidity of other disorders as well; he noted it was interesting that Mr. Lane brought up Pittsburgh; the University of Pittsburgh did a study in 2012 where 17% of sociopaths had co-morbid substance abuse disorders, 50% were schizophrenics, and 60% were pedophiles; he noted that six percent of the individuals will be leaving this facility; he noted that he appreciated the drawings of the proposed facility; he was looking at the Google maps survey of this earlier in the day; it is a well-known fact that when you check yourself into a voluntary facility you hide your stuff in the woods – you hide your drugs or you hide your whatever; he believes that there are three really good locations to do that but they are all really close to schools; you hide your needles, you hide your bottles, you hide your suitcases sometimes; then you go back and get them when you leave; was it said that it is 800' from the Montessori School to the facility; it will be much closer when people are in the woods beside the Montessori school looking for their stuff when they leave; and

WHEREAS, Commissioner King asked Dr. Grove if he was saying it is typical of someone coming into a facility like this to hide things; Dr. Grove noted at the facilities where he has worked they have had security go out in the bushes and find knives, needles, gear, dildos, etc., that people leave and then they pick them up later because they are contraband on the units; and

WHEREAS, Lisa Reynolds of 1458 Deacon Street, Salem, appeared before the Commission noting she had not planned to speak; she has lived in Salem for over 20 years and raised 3 children; her children have attended Salem schools, and their family has been productive in the community, i.e. little league, cheerleading, band, choral, etc.; she is opposed to the project; she noted that they had a step-niece who came to live with her family in Salem; she noted the niece was a nanny from out west who needed a change; unbeknownst to them,

she had an addiction to prescription medication, and it did not manifest itself until about 6 weeks later; the next thing they knew she had been arrested for drunk driving; she had gone to Lewis Gale Hospital Emergency Room and she knew what to pretend was going on so that she could get Zanax® and other drugs prescribed to her; she had no insurance so they have to treat her; the anger that she exhibited was just mind boggling to her; she noted that this is what scares her; she lied to her and she had no idea; she knows that addicts can lie to you; when they want something and need something physically, they lie to get what they want; she does understand the need for a facility such as Mount Regis, but she is opposed to the location; she is also an employee of the Montessori school; this is a wonderful community and this is why Salem Montessori School is thriving; many families from all over the area bring their children to this school and it benefits the whole community; as a parent and potential grandparent, she is opposed to the location because they do so many family things in this area with the football stadium, baseball, Civic Center, etc.; and

WHEREAS, Judith Pace, 2744 Ellison Avenue, Salem (Roanoke County), appeared before the Commission; she noted has been a Salem resident for 35 years and raised 5 children in the community; she has been working as a nurse at Mount Regis for 15 or 16 years now; she thinks she knows the patient that they have very well; she noted she wanted to share with all the parents and families who are concerned about the patients that might be coming to the new facility; she believes the people they need to fear are not the ones who are in this facility, but the ones that are still out there on the streets who have not made a commitment to make a change in their life; those are the drug addicts, those are alcoholics that their children should fear and they should fear for their children; she has worked with only one other person and 15 patients in the building at night; she is not a large person, and she will be 66 soon; she stated she is not afraid of her patients; yes, there are many, many cross diagnoses; they come into their facility primarily because of alcohol and drugs; they find out there are other things going on and they work with that; she noted as far as the transportation issue that keeps coming up, their patients do not walk down the street to the 7-11 store any time they want candy, cigarettes or the occasional beer; this does not happen; if it does, the treatment team takes over, they team the patient; they have rules and regulations, they know those rules and regulations, and sometimes, the patients are told they have to leave; further, they have Mount Regis drivers – if a patient does not have a way to get to the airport, the train station, or to get home to Lynchburg or to Richmond, they pay drivers; so they are not just dumping them out in the community and saying “oh well, take a walk;” they cannot do this morally because they are responsible for these people even though they have chosen to leave them; there is still sense of moral responsibility; she noted that some of the best people she has ever met in her life are people who have come through their doors because they have made a decision that they’re going to make a change for the better in their life; those people are her heroes, and she is so

grateful and proud to say that she is part of Mount Regis and what they do there; when she sees a person come in who is totally defeated, totally lost the battle, and has no idea of what to do next with their life; then two weeks later she will get emotional because their eyes are shining again, they have goals, and they have purpose; if Mount Regis can give them some of those things, what they can do is return to our community, the community in Pittsburgh, the community in Tennessee, or whatever community they came from, a working human being; what better job is there for them and what better thing for Salem to be noted for; yeah baseball, yeah soccer, yeah football... yeah they are great cheerleaders; and

WHEREAS, Joe Charboneau of 733 Maryland Avenue, Salem, appeared before the Commission; he noted when he first moved to the Salem area, he rented a house on Kimball Avenue, just a few houses down from the Mount Regis Facility; he noted he was happy to report that during the time he lived there almost a year, he did not have any problems, but, at the time, he was not a property owner and also did not have children or other concerns; Mount Regis has been there a long time; but the issue before this body and everyone in the room isn't has Mount Regis been a good steward of the current facility which probably predated the zoning rules that are in effect now, but can that facility be constructed now; he noted there are many more people here than he expected to be here because the number one concern he initially wants to note is that it should not be approved or it should at least continued over to a another hearing because he believes that there are notice issues; he noted that he says this because as a resident just a few blocks away, he heard about the request second hand; he called the Planning Office and was actually given somewhat of a brusque response as to why the neighborhood was not given notice; he was told it was because the adjoining property owners were the only people that needed to know; he noted he thought the adjoining property owners were the company that owns the land where the two other businesses are, Roanoke College, and then across the street the City of Salem; this leaves him with an interesting question; around 4 pm today he called Roanoke College (he asked if anyone in the audience was there from Roanoke College and no one responded) and the reason is that they did not know about the meeting; he understands from the Public Relations office that the City mailed a notice, not addressed to anyone, just to Roanoke College at a business address; so we have an issue where we have neighbors who do not have notice and would clearly have concerns; he noted that we are here today not about whether Mount Regis does good things or whether Mount Regis has been a good steward but about whether this new facility can be constructed; he scrubbed the local city ordinance and also read the Virginia code, and he could not find in the local City ordinance where it talked about inpatient facilities; but he did find outpatient mental health and substance abuse clinics in Sec. 106-308.1, and he noted that it states that no outpatient mental and substance abuse clinic may be constructed, developed or operated within 500 feet of a residentially zoned district, or within 500 feet of property occupied or used

for an educational facility, place of religious assembly, public park and recreation area or day care center; he noted that he went to the City's GIS application page, and it has a measurement tool to tell you how far things are; he noted that measuring from the side of the facility to the residentially zoned area across the street from Idaho, it is approximately 496'; when he measured from the middle of the facility to the Elizabeth Campus, it is well under 500'; if Elizabeth Campus is not an educational facility, he does not know what is; down the street the Montessori school is clearly more than 500' but again we are talking about an outpatient mental health facility; how much more potentially strict should it be for an inpatient facility where people have such a serious and debilitating problem that they have to be put somewhere for a length of time to be treated; further, the YMCA which operates a day care is just over 1,000 feet and right across the street is the Salem football field with all the kids that tailgate and have good times; he does not know if this is a good plan or not; but what he can tell the Commission is that he has concerns about notice, and he noted that the code also says that when someone is looking to get a special exception permit or a use not provided for permit, which is why we are here today, "the applicant shall provide at the time of the application, information and/or data to demonstrate that the proposed use will be in harmony with the purposes of the specific zoning district in which it will be located; the applicant shall also have the responsibility to demonstrate that the proposed use will have minimum adverse impact on adjoining property and the surrounding neighborhood;" when he called to request a copy of the application, he was given more or less a front and back paperwork which fails to contain any of the minimum information that is required to be in the application; so if for no other reason, that this does not meet the minimum application requirements, the meeting should be either set over to another date in which proper notice is given out to the members of the community or the application denied; so the Commission has three reasons or concerns, the notice issue, and failure to meet the minimum application requirement; he would have expected the special use permit to address these issues with the neighborhood being zoned residential use, the educational facility behind it; he would have expected it to address and inform neighbors how it is going to impact property values; he noted that at the end of the day he might be for the development; he may come back one day and say yes please grant the permit; but he does not know this information and he feels he was entitled to get more than the application and more notice; for these reasons, he is asking the Commission to either again deny the application or continue it to another date and time and require the applicant to provide more information; and

WHEREAS, Chair Daulton asked staff how notice was provided to neighbors, etc.; Ms. Payne noted that the Vice President of Business Affairs at Roanoke College did receive a letter; she further noted that the Director of Public Information contacted her today for some clarification on what was going on because she had not received the information but it had

been channeled to the Business Affairs office; when she related the information, the Director indicated to her that she would contact the appropriate officials to see if anyone had any concerns, and if someone did, they would be at this meeting; she further noted that by law the City is only required to notify land owners who touch the adjoining property; also, there is a sign posted on the property that indicates that a public hearing would be taking place; and

WHEREAS, Valerie VanderHoeven, owner of Salem Montessori School, appeared before the Commission; she noted that she is an adjacent property owner, and she did not receive notice of the hearing; the Orthopaedic Center came over and made them aware of the application; she noted that she owns the woods and questioned if this was not adjoining to the property; Ms. Payne noted that there is a piece of property between her property and the EMP property; the property owners did not purchase the entire piece which connects behind her property; Mrs. VanderHoeven noted that when she applied to get the rezoning for her property, everyone was given notice across the street, down the street, and all the way around her property; Mrs. Payne noted that the ones that adjoined her property were given notice, and Mrs. VanderHoeven noted that it was even beyond that; Ms. Payne noted it has been awhile but it was her recollection that some of the neighbors were given information by other neighbors who had been contacted who in turn rallied the troops to come out in opposition to her proposal; Ms. Payne noted the neighbors that she thought were notified for her request; since she had not received a notice for the hearing, she felt this was kind of shady when the Orthopaedic Center had to approach her; they are in the business of protecting and preventing children from harm; they like to educate, nurture, and serve the children in the community; she is upset that this is even being considered, but she knows that it has to be heard, and that we have to hear both sides; she approached the City four years ago for property, the beautiful serene property that they are currently occupying; she noted that they originally purchased property in Roanoke County, and then the City made them aware of this property; she noted the City said there was a key piece to what the City wanted to have in this area for Elizabeth Campus; the City was very welcoming, and she believes that they have proven to be wonderful neighbors for the children in the community even though there was a lot of opposition with the noise that might be created; they approached the City for another piece of land, and the City accepted; they would now like to build another facility for infants and toddlers; she is having a really hard time thinking that this request would even be considered for the City – to think that a rehab facility next to 200 children is to any degree a good choice location; she applauds what Mount Regis has done, but she does not know all the history with it; she has a sister who lives in that neighborhood; she just knows that the children and families they serve and the employees they have would be very uncomfortable having a facility of this nature so close by; and with the adjoining trees that they proffered to continue to keep as exploration of nature; it makes them very uncomfortable to think that they can have small children, infants through the

6th grade, on their facility safely and comfortably; she asked the Commission to please oppose the request; and

WHEREAS, Commissioner Carter noted it appears there is pretty good representation at the meeting so they must have gotten the word out somehow; and Roanoke College was duly notified and Ms. Payne was told if they felt they had any interest someone would be at the meeting, and they are not here; and the gentleman who just spoke about the distances; he asked as far as the property owner and Mount Regis is concerned, is time of the essence in the development of the property; and

WHEREAS, Mr. Lane noted that they have a Certificate of Personal Need (COPN) application for the additional beds, so the clock is ticking in that regard; he is not sure when the hearings for the request will be but he is supposed to go to Richmond at the end of the month to meet with the Chair and then they will be notified after that meeting; and

WHEREAS, Commissioner Carter asked if there was any credence to the information the gentleman quoted from the ordinance with regards to the measurements, etc.; and

WHEREAS, Benjamin Tripp noted that the distances Mr. Charboneau quoted applies to outpatient mental health and substance abuse clinics; the request is for a Use Not Provide For Permit for an inpatient rehabilitation facility; this particular use does not fall within the City's code so this is why it would need a use not provided for permit, and why the requirements for outpatient clinics do not apply in this case; and

WHEREAS, Commissioner Carter asked if defining inpatient rehabilitation facility would be a part of the request; Mr. Tripp noted it is a good definition of the proposed use, and it would be part of the approval of the request; and

WHEREAS, Vice Chair Thomasson asked if the petitioner would proffer the language of an inpatient rehabilitation center as the official use; Jay Taliaferro noted that the Commission and/or City Council could place conditions on the permit so they do not have to wait on a proffer if they want to place a condition on the request; and

WHEREAS, Kurt McGahhey of 6715 Fairway Ridge Road, Roanoke, noted that his children go to Salem Montessori, their family regularly attends the YMCA, and they also go to Salem baseball games on a regular basis; they are in this area constantly; he noted that he is a Marine Corp veteran with live combat experience so he knows fear; he fears for his children; he has seen people who put their children's lives in front of them so they could fire at him; that is

the difference between them and him, he puts himself in front of his children; and his biggest fear is someone harming his children; he applauds what Mount Regis does, and he knows we need facilities such as this in the community; the Commission needs to make a decision, is this smart development, is this the development we want in this area, is this the right thing to do for future development; or are we paying right now to get a good thing to lose later; who is going to want to build there later; further, how are we going to hurt Salem Montessori or the YMCA; what is the economic benefit of placing this center in our community; what is the cultural benefit; these things cost of a lot of money; he worked for a wholesaler who spent billions of dollars a year developing this stuff; he has been in front of other public Commissions and spoke; this costs a lot of money; he would like to know why this location is so perfect; if we have this kind of money to provide these kinds of drawings and this kind of planning, then there is money to buy land; why this land – what makes this so perfect; there is lots of land in Roanoke and in Salem; why does it have to be this land; what is so special; he finds it hard to believe that it has to be this property; he would like to know who the owner of the property is, who sold it to them, and why would you buy property before you have the permission to go and build on it; he knows the company he worked for would not; it seems fishy to him; what are the tax benefits here; he knows that Salem Montessori pays taxes, does this facility pay taxes; what kind of revenue will it bring to the residents of Salem; the cost to Salem Montessori could be catastrophe, and he would consider that in his decision to send his children there; he noted that he loves the school, and he thinks his kids do great there, and they will continue to attend here regardless of what happens; he noted that he would like to have the gentleman come up and answer some of his questions; and

WHEREAS, Danny Hall of 321 Idaho Street appeared before the Commission; he noted he wanted to echo one thing – he found out about the request by second hand information, and staff did follow the letter of the requirements for the notification; however, the residential neighborhood that surrounds this was not notified because they do not border it, there is a street between it; further, regarding the sign that was put up, which is a requirement, the sign was put up at the end of the cul-de-sac not on Texas Street where it faces traffic; he had to go look for the sign; he is here because of the fear of the unknown; he is disappointed that the developer could not spend some time and educated the neighborhood on what the intent was; he thinks that if that had happened that the thoughts might be somewhat different; he is not convinced that this is the best location for this particular facility; as the previous gentleman asked, why is it the perfect place, and if we would have had some meetings and the opportunity to ask these questions prior to this evening, he thinks they would have been answered; and

WHEREAS, Chair Daulton asked Mr. Lane if he could try to address some of the questions that had been asked; Mr. Lane noted that he absolutely understands the concerns,

fears, and opposition; if you are charged with the very high calling of caring for children, how could you not come here and have questions, concerns, and fears; one question was why this property – he noted the simple fact of the matter is that this is a not in our backyard argument, and no matter where they go they will have the same opposition and we will hear the same concerns no matter whether it is in the City of Salem, no matter in Roanoke County, no matter Roanoke City, we will have the same arguments; the reason why this is the right property for them is that it is connected to public transportation; their patients go nowhere unchaperoned; for the 500+ patients that they treat on inpatient capacity each year, it is probably not 3 every 3 weeks who do not have a ride when they decide to leave the facility; it is more like 3 a year who do not; those patients they offer rides to most of the time, if they know that they are leaving; these are people who just walk away; they are going home -- they do not linger and they do not loiter; if they did, there would be a record of complaints from their neighbors; there would be complaints from the local businesses; there would be complaints on record that there was loitering or that there had been any type of disturbance with the day care center just down the street, which is much closer than the Montessori school will be; why he totally understands the concerns and fears, the fact is the reason this is the right piece of property for Mount Regis Center, is because they already are in this backyard; they already are serving this community and they have been here not for 5, 10, 15 years, they have been here for 67 years; there is nothing on record that would show that they are anything but a positive asset to this community; in terms of their revenue, they absolutely pay taxes; he noted that he does not have the numbers on the top of his head, but it is substantial; their facility brings in revenue comparable to a 100 bed residential acute psychiatric center, and they pay taxes on this; they also have a comprehensive family weekend every other weekend and family members from far outlying areas come in to participate in this; they stay in local hotels and eat at local restaurants; they strive to work with local vendors; they just completed in the past 4 years a \$500,000 upgrade at their current location; they just completed a \$200,000 project with a local builder/developer, and they insisted that it be local; they will try their very best to do the same for the proposed facility dealing with local builders and contractors; he noted he does not know how to help people with the fear, he wishes he could; if they felt like they posed a threat or a risk that truly could be considered a tangible risk, they would not put this facility here; this is not what they do – they have a high calling, too; statistics show that a fair amount of the kids currently in Salem schools are going to need Mount Regis Center in 15, 17, 18 years, and this is the sad reality; they deal with people who need help and people in this community need help; no one wants them in their backyard though; the only thing they can say is that they are in your backyard now and they have not created any difficulties for their neighbors who are much closer than anyone would be to this facility; further, they are operating at a higher level than they ever have before; they are taking every precaution they possibly can to be good neighbors and good citizens to take care of their community and to take care of their clients; and

WHEREAS, Chair Daulton noted one of the questions or comments was about sex offenders and also, the needles, suitcases, etc., that patients hide; she asked him to address these issues; he noted it has not been their experience that that is the case; contraband is obviously something they concern themselves with; they search their patients when they come in and they look over the grounds as best they can; he does not think that they have failed to respond to any new trick or new device that the patients come up with; it is very rare and when they do, they take care of very quickly and eliminate it; he noted this is the nature of the beast when we are dealing with people, whether the people are in their setting or whether it is kids in high school; you address the problems as they come up and you eliminate the potential for the future; this is what they do and they do not have a problem with this now; when people walk away from the facility it is of their own volition – they handle it when they do; if they come back, they are either administratively discharged or they put in a room with the clinical staff and the issue is dealt with; further, they run a very tight ship to protect their other patients who are there to get help; and

WHEREAS, Commissioner King asked if they checked the sex offender registry or is that part of their process; Mr. Lane noted that they do not check the registry but as part of their evaluation, they delve into those issues with their clients; several people from the audience spoke out asking why they do not check the database; Mr. Lane noted that they do not check the sex offender registry; Mrs. King asked if there is a reason they do not; Mr. Lane noted that their patients are extremely well supervised; they chaperone them wherever they go, they are not a threat to our community, and they have never demonstrated a threat to our community; they do hourly checks on their patients to make sure they are there; if they are not, they find them; this is done for their safety as well as the efficient operation of the program; and

WHEREAS, Commissioner King asked if they would be opposed to including that in their screening, and Mr. Lane noted that they would not be opposed to this; it is not a protocol that substance abuse clinics do, but if this is something that would help the public be more comfortable with the work that they do, they will certainly do this; they have criteria that serves as a gatekeeper to make sure they can help the people who are there to work with them and to protect the other patients in the environment; and

WHEREAS, Chair Daulton asked him if it was all voluntary, and Mr. Lane noted that it is completely voluntary; there has never been incident of an offense within their facility; they screen them and watch them extremely closely; he definitely understands the concern, and they will continue to do everything they can to take care of their patients and to be good citizens in this community; and

WHEREAS, Chair Daulton asked how many patients they have right now, and Mr. Lane noted they have 25 beds and he believes their patient count is 23; Mrs. Daulton asked how many patients per staff member or someone watching them; Mr. Lane noted that it depends on the shift and the day; during the day, they can easily have 20+ staff there; Mrs. Daulton asked if it is one on one, and Mr. Lane noted this was not correct he is just giving a ratio of staff to patients; the ratio that is usually looked at for a setting like theirs is the counseling staff to client ratio, which theirs stays around an 8 to 10 ratio; he further noted he thought she is asking how many staff members do they have in the facility to watch the patients; this varies according to the shift; during the days, they can have 20+ and during the evenings, they can have 5-10, and at night, there usually are 2-3; he noted that with the new facility they have a staffing plan in place which would approximately double the work force; and

WHEREAS, Commissioner King asked Mr. Maxwell as part of the approval, can they require that Mount Regis check the sex offender registry as part of their screening process at the new facility; Mr. Maxwell noted that this is not directly related to the land usage of the property so he would have to research this if it is a concern; if Mr. Lane voluntarily submits this as a condition or he says that he is in agreement, but it would be hard to tie this to the actual consideration of the land usage; Mr. Lane noted that he understands this entirely, and they would voluntarily do this; and

WHEREAS, Commissioner King asked Mr. Lane if he had mentioned earlier that their licensing states that they cannot treat acute care, and Mr. Lane noted that this is correct; Mrs. King noted so their patients have to be medically and mentally stable so if someone is diagnosed with a Post-Traumatic Stress Disorder on the surface, they would not be treated in their facility; Mr. Lane noted that they can have a diagnosis or they can come in with it undiagnosed, but if that is their prevailing problem, they would refer them out to another facility; they have masters level counselors who are trained in a number of medical skills to identify this and also to treat it, but this is not what they do so they would not keep them there; they have programs that address those issues to help them understand they may need ongoing care, but this is not a primary treatment diagnosis that Mount Regis treats; and

WHEREAS, Commissioner Robertson asked if there is a high number of applicants that are rejected in the screening process; Mr. Lane noted that they screen them effectively before they come to the center so that they do not have to go through the process when they get to the center; Mr. Robertson asked if the screening includes various types of investigations about that person and whatever information can be obtained from public records, and Mr. Lane noted that it does not include that; Mr. Lane noted that it is evaluations, assessments,

collaborative information from families or from the employer who happens to be referring them; the information may come from a counselor; in addition, they get quite a few referrals from hospitals in the area; but again they have trained staff who look for any unusual behavior and if they see anything that is not quite right, then they will refer them out, if they are not appropriate for the program; and

WHEREAS, Commissioner Robertson noted if something is in a person's record with regards to court or offenses they may have been accused of in their past, do they look at this; Mr. Lane noted that they do look at the person's background and they do histories on them, but they do not get this information from the courts because they do not get court referrals; again, the patients are admitted voluntary, and they screen them based of the information provided to them from the referrals, whether it is an employer or family member; and

WHEREAS, Mr. Charboneau asked if the applicant could address the issue of why the actual application did not meet the minimum standards to provide the information and/or data to demonstrate that the proposed use will be in harmony with the purposes of the specific zoning district, and also the information on the adjoining property and most importantly, the surrounding neighborhood; because again, this was required to be in the application so people like himself and these other good citizens could review the application and assess the information before hand, and not run around tonight asking a bunch of questions that did not make a lot of sense; etc., and

WHEREAS, Chair Daulton noted that she did not think Mr. Lane was the actual property owner; Mr. Charboneau noted that the questions remain the same to whoever needs to address them; he noted the application he was given by the Planning Department did not have any of the required data or information in it; Ms. Payne noted the applicant filled out the paperwork that the City required of them, which is the petition for a Special Exception Permit; again as Mr. Tripp pointed out the petitioner is requesting a Use Not Provided For, which is what we had to do because what they were requesting was not in the City's code; she noted she did not think he received the staff report; Mr. Charboneau noted he thought he had a copy of it; Ms. Payne noted the staff report breaks down the information related to the background information and any issues; he noted he had a copy and again, he stated that an application for a Special Exception Permit or a Use Not Provided for Permit may be initiated by "a petition of the owner, owner's agent or contract purchaser with the owner's written approval" and then in Subsection B of the ordinance, it explains what those application requirements are; he does not see where it addresses the impact on the surrounding neighborhood or addresses what the surrounding neighborhood is; he further noted that what the ordinance talks about is an outpatient facility; apparently in drafting the city ordinance no one thought of an inpatient

facility, and he does not know why not; but if people were concerned that these facilities should not be built within 500 feet for outpatient facilities, should we not get more information before we put an inpatient facility there; further, the application process requires this information be given out to residents; and

WHEREAS, Ms. Payne that staff's answer is that the petitioner completed the paperwork that we required; and the route taken was based on the information before us regarding what the petitioner was requesting; in looking through the code, this was the determination made by the Zoning and Planning Departments that this was the best course of action for us to pursue regarding this petition request before us; so, the response that Mr. Tripp gave earlier about why we took this particular direction, and the issues for the purpose of this request, staff has defined "inpatient rehabilitation center" as an establishment primarily engaged in the treatment of drug and alcohol addiction in an inpatient setting, and which is licensed by the Commonwealth of Virginia; this was the direction city staff decided to take on the petitioner's request based on the fact that City code did not deal with the issue before us this evening; and

WHEREAS, Chair Daulton noted with the fact that the facility it is licensed by the Commonwealth of Virginia then obviously there are a lot of rules and regulations which would be required of them; Ms. Payne noted that Mr. Lane had pointed out some of those rules and regulations for Mount Regis; Mrs. Daulton asked who would be responsible for making sure they are compliant with those regulations, and Ms. Payne noted that she would imagine the state would be responsible for this; and

WHEREAS, Commissioner King asked with regards to the impact on the surrounding community does staff have an opinion on this; the reason for the Commission hearing is for residents to let them know what they are thinking; she noted it would be their best guess as to what the impact would be; she asked if there is something we are missing here; and

WHEREAS, Mr. Charboneau again referenced the code and noted the initial issue is have the residents been given any information on the front end by which they could formulate questions that should be asked and answered; by simply asking the applicant to come forward today and give people information does not meet the minimum requirements of putting it out there, allowing them to process it and then coming back at a proper meeting; he thinks the Commission should pay attention to the ordinance by which it is governed and required to act by; part of this is making sure that it complies with the law which he feels it does not; and

WHEREAS, Vice Chair Thomasson asked does not the direction that staff took, Use Not Provided for Permit, address Mr. Charboneau's concerns; Ms. Payne noted that staff believes so

because this was the decision made based on the request which was before us; whenever a request of this nature comes before the City and the code does not address it, it is incumbent upon staff to get together and figure out the best way to deal with the matter brought before us; each request is on a case by case basis, and in this particular instance, staff looked at Mr. Friesland's request and had a conversation about the company he was bringing forth and the use that was being requested; based on the use that was proposed, it was not in the City's code so the conversation among staff was how do we address this; and this is was the decision that was made; she noted that this happens quite frequently when our code does not address a particular use; she does not want anyone to think that we dismiss our responsibilities to City or to the citizenry because we do not; we take every matter seriously and come up with the best direction that we can possibly give on each case which the code does not address; and

WHEREAS, Vice Chair Thomasson noted because the petitioner deserves staff's best effort to meet their request of land use, and Ms. Payne noted that he was correct; when a petitioner comes to staff, we have to consider the project that is there; Mr. Lane made the City aware of the fact that Mount Regis needed to grow, and Salem does not have a whole lot of property which we could accommodate his request; when he saw the property at the Salem Commerce Center, he saw a piece of property which he thought would fit their needs; she noted one of the things discussed was the fact that his patients could have access to the YMCA, and they could have access to the walking trails; these folks as he pointed out most often times are professionals, and they are coming because they have fallen into some bad habits; she knows these were some of the reasons why this property was attractive to them; and

WHEREAS, Mrs. VanderHoeven questioned a comment made about the procedures and she noted it said adjoining and surrounding neighborhood, did it not; and

WHEREAS, Mr. Charboneau noted what the City apparently did was to provide the adjacent land owners with notice, which meets the minimum requirements set for by the Code of Virginia; he noted emphasizes minimum because we are all the citizens of the City of Salem and he is kind of shocked and amazed that what we are striving for here is the bare minimum; he would have expected the surrounding neighborhood by which this applicant has a duty to provide information on the impact to the neighborhood would have been given notice – not the bare minimum; he also noted that the Code of Virginia provides the authority to require the City to give more than the bare minimum of notice; he further mentioned the requirements of the ordinance related to the applicant; and

WHEREAS, Mrs. VanderHoeven noted that she has been serving the Roanoke Valley and the City of Salem for 23 years now, and has done so in an incredible way of feeding, caring, and

nurturing children and families and providing care for them; she is upset and feels the City has led her into a trap here; she stated we cannot serve children and families and also have a desire to serve adults who have addictions on the same campus, Elizabeth Campus; when she purchased the original parcel from the City, she was told the City's desire for the property was to serve families and children; she felt that this is the way it has been; but, she can say now that she will not be moving forward with their second facility on this property; she cannot feel good about growing again in a location where the City is considering growing Mount Regis; this was not presented to her; Mount Regis was not put on the application; she received no notice of the hearing and she only had two days to make their parents and families aware of this request; she thought the City of Salem was embracing the only private school in the City; it is the best care we can get in the entire valley, right here in Salem; when they choose to come, they thought they were being embraced, and they thought this was the reputation the City wanted, and they wanted to be a part of it; she noted she thought they had done their part for 23 years now; at this point, she does not feel they can invest another 1.2 million dollars into another building; she cannot feel good about being housed next to a rehab center, inmates or whatever; and she knows for a fact that they do serve people who are sex offenders, again, she knows this for a fact; and

WHEREAS, Pat Morgan, 5228 Sundance Road, Salem (Roanoke County), appeared before the Commission; he is being open minded as far as the facility, and he has no problem with the development on the property; but from a common sense perspective, this request at this location makes no sense; for him putting a drug rehab beside a school is kind of like putting an ABC Store across the street from an Alcoholics Anonymous class; or if we want to take it a step further, put a planned parenthood across the street from a Catholic church; we might have the right to do it, but it does not mean it is right to do it; from that perspective, he is an engineer so he is a professional as well, and there has been a very rosy picture presented about the people that would be treated at this facility; he has a lot of professional friends and he comes from a family that has an alcoholic, and he has friends who have had drug problems, and he noted just because someone has an engineering or a professional degree does not mean that they have any more common sense than the next person; he could just as easily use drugs as the person who does not have a degree; he has seen people and the destruction that it causes in families; the people who will go there, we do not know what is in their hearts and minds; obviously doing drugs is a bad choice, but people who are doing that have shown a history of making bad decisions and in an altered state, we do not know what these people are thinking or doing; he thinks that it is naïve and dangerous to think that these people do not have the potential to be violent; if we add drug dependency or alcoholism on top of other stressful factors, and again, and we do not know what people think in their hearts; again, this facility being right across from the school, nothing may ever happen and he prays that it does

not; he noted that we cannot control the people, the friends and family who come to visit the patients, and noted these people may have issues, too; it is one thing to patrol the grounds of this facility, but what about the wooded lot; the people coming to see the patients may be over there abusing drugs or hiding drugs or like someone noted before hiding their own paraphernalia; he further discussed the children who could come across drug paraphernalia or someone shooting up drugs; he noted that no one can say it will be completely safe; the comment was made that they will do everything within their power to make it safe; again, the people there are not there because they made good decisions and to think otherwise is simply fooling ourselves; he noted it was mentioned earlier about the tragedy with the Amtrak train and this disturbed him; talking about all the professionals who have good common sense, he noted there was another tragedy about a month ago where a pilot took about 200 people with him to their death on the side of mountain; this fellow was screened; how many screenings do we think he had and he slipped through the cracks; there are always bad actors, which is true, but we are taking people who have proven themselves to be bad actors and putting them in close proximity our children, who deserve the protection of the parents in the community; he asked for common sense in this decision; he further noted we like to think a facility like this will help the community, but we need to consider the negative impact on the school; with the school making the decision not to go forward with their second facility, is going to be a disservice to the community and it will be a shame to see that; and

WHEREAS, Mr. Horrell noted he hopes to wrap it up for the opposition; the meeting has been very informative to a lot of them who had very little information before the meeting; he stated the Commission has heard a lot of concerns about notice, publications, signage, etc.; there have been a lot of safety concerns and concerns about how the facility will operate; we have heard the possible impact on the Montessori School with the new campus moving forward; as the last gentleman stated, the decision about the school is driven by the parents, a lot of whom are here this evening; he noted the Commission is charged with helping find the proposed use as the best and highest use of this piece of property and charged with listening to the citizens when making that decision; there are a whole lot of citizens here who are saying this is not the best use of this land, and it is not the best location for this use; there are a lot who could not make it this evening but the Commission has the petition with almost 200 signatures; when we look at the best use of this property, there are some master plans for the entire Elizabeth Campus, and he hopes that the Commission is aware of those; this includes walking trails and some public spaces and therefore falls under the criteria of the state statutes that were mentioned by Mr. Charboneau; he asked them to think about the master plan which had a whole canvas or area that was devoted to civic and personal improvement, education, physical improvement, medical improvement, etc.; this just does not fit in what is one of the

show pieces of the City of Salem; across the street, we have some wonderful facilities where people come into Salem for tournaments, etc.; he does not feel this is the highest and best use of this property so they ask the Commission to listen to them and deny the project; and

WHEREAS, Sam Wood of 1126 Kesler Mill Road, Salem, appeared noting that he has grandchildren at the Montessori school, and it is a great school; he noted that the nurse who spoke mentioned about the successful people they have at their facility, and he is sure they have plenty of them; he worked 33 years for the prison system, and they had a lot of successes, too, but the thing that they cannot control is the visitors; the people who come to see these people; he noted they have large signs telling visitors what they cannot bring on the property, and we would not believe the things that are confiscated trying to get into the prison system; so, he cannot see that it would be any different in a facility like this; they cannot control the visitors; he heard them talking about the family and friends coming on the weekends, etc.; visitors are a problem, because they bring everything they can into the facility; they may not get it all the way in but they can get them on the grounds; they can only control the people in the facility, they cannot the people coming to visit them; and

WHEREAS, Emma Kibler of 378 Woods Avenue, Roanoke, appeared before the Commission; she noted that she thought where Mount Regis is currently located that they are established, and Mr. Lane mentioned that houses have been built near them, which has been their choice; she thinks that putting the new facility in an area where we are basically forcing it on the neighbors is a completely different ballgame; she has a child who attends at the school at the infant and toddler campus; she noted that there is no guarantee in life but at the same time, we have a larger facility and talking about a bigger problem with drugs and stuff in the area; what kind of people is this going to attract to the area; we have a shiny new toy so everyone will want to go here; again, what kind of people will this attract besides the patients they already have; she thinks this is a concern; they are well established where they are now; she feels there are other areas they can go where they will get less opposition; she really feels they can do better somewhere else in this area just now in this particular location; and

WHEREAS, Allison McKell of 2664 Woods Meadow Lane, Salem (Roanoke County), appeared noting that she was born and raised in Roanoke County and recently moved here; she has heard her entire life about the amazing common sense of the Salem Commission and how they do an excellent job in planning and governing the Salem area; she mentioned she heard stories about how Salem has continually refused to merge with Roanoke County and much to her parents chagrin they wished that Salem would run the County; she noted that this does not seem to lineup with that common sense; she feels for the individuals who have these addiction problems, they need somewhere to go, and yes, there is that not in our backyard statement; to

her common sense does not say surround it by schools; she cannot speak to the other day care that is located near the current facility, but she can say that something she values and the one reason they chose to send their daughter to Salem Montessori is that the school gives their children a lot of outdoor time, and a lot of day cares do not; a lot of parents have come to the Montessori school because of this, i.e., the exploration and curiosity that they try to encourage; she does not know how many parents would feel very comfortable with this facility especially with it being a residential facility; having these people there 24 hours a day for weeks and weeks, this is a concern; she assumed that people in this facility did criminal and sex offender background checks, and she is shocked and absolutely appalled that they do not; and if they are not doing that in their current facility, they are extremely in very legal waters there, being that close to a day care down the street; by Virginia State law sex offenders cannot be within certain distances of children, schools, and public parks; she asked the Commission to dig down deep and ask if this was moving into their back yard or if their children, grandchildren, or their nieces or nephew were at any of these schools, would they really want the possibility of interacting with individuals who are potential loose cannons, because they are; unfortunately she has relatives and friends who suffer from various different addictions, and she stated she wanted to thank Lisa for sharing her story; she noted that these people lie so relying on a patient to tell them their criminal history and whether or not they are a sex offender, sure they lie; they know how to play the system better than anyone; they are going to tell us exactly what we want to hear; they are going to look like the polished professional that Mr. Lane keeps painting the warm pictures of; this is not necessarily the truth of the matter; it makes her and many of the parents very uncomfortable to have individuals who suffer these issues being that close to their children on a daily basis; she noted she already knows of several parents who have said they would certainly pull their children from the school; this is unfortunate because as many of the parents have expressed, they adore this place; she cannot tell us the peace of mind it gives her that her children are so well cared for and taught by such amazing individuals; but she puts their safety first; not everyone who has mental illness has violent tendencies, however, often those two items are coupled; drug and alcohol addiction is a mental illness, and it is one that no matter how good the treatment, no matter how optimist the person is going in for the treatment, they are never cured; there is no pill for this, and it is something they have forever; she has seen it and does not want it around her daughter; she urged the Commission to please take this into consideration; she further questioned the security of the facility; also, why is there not a wall being proposed, if they are going to be surrounded by schools; and

WHEREAS, Commissioner Carter noted that he thought the Planning and Zoning staff at the City does a fantastic job in trying to do the proper notice, follow the rules and regulations and treat everyone the same; it is a very hard working bunch and he would be surprised if they did not consider everything when notifying people according to the rules we currently have; in

every instance he has been a part of, they have done a fantastic job in trying to treat everyone fairly; Vice Chair Thomasson noted that he agreed; and

WHEREAS, Anna Beebee Sachs of 825 Virginia Avenue, Salem, appeared noting she can see the property from her front porch; she noted that she is the widow of an alcoholic; so to say that this just does not affect you and that those people are not loved is harsh; everyone who is in that facility is a somebody's special person; it does not mean that she wants them near her son any more than she wanted her drunk husband near her son; she lives in this neighborhood and we spent more time figuring out whether or not we were going to let people have chickens; so can we just take a step back and spend some real time on this for the people who live there not the people who will be housed in that facility – for the rest of those who live in the neighborhood and the children who go to the school; these are the people who are going to live their life with this facility; the people who live near the current facility got a chance to know that up front; they would like the time to be able to digest all the information and have their voices be heard with the same decency that they gave them; and

WHEREAS, Kristen Kelley, 725 Virginia Avenue, appeared before the Commission; she noted that she has lived in the neighborhood for 15 years and her husband's family has been there for over 50 years; she has two teenagers who are out all the time so she has concerns about their safety; she also has concerns about the area where this facility will be placed into; there is the Civic Center with concerts, temptations, fireworks, and lots of noise and activities and lots of possibilities; she had a sibling who had issues with drugs and received treatment; the best thing he can do is to stay away from that temptation; so without the security how do we protect everyone from that; the Salem Fair and its big activities is right across the street; it is a nervous time for her when these events happen knowing that there is drinking and drugs with her children being around; she noted that they tend to lock things up when the Fair comes into town; so now how does that work with a facility like this right across the street; this is just a concern of hers; and

WHEREAS, Vice Chair Thomasson noted in addition to being on the Commission he has served for 11 years as an appointee of the City of Salem on Blue Ridge Behavioral Healthcare; he noted that the substance abuse problem in our part of the state is horrendous; what he sees monthly in the reports from Roanoke Area Youth Substance Abuse Coalition (RAYSAC), we do not need one facility, we need several; and he is not telling anyone where it should go but we have a critical problem in our country with substance abuse; he noted that mental illness has touched his family, and if anyone in this room were to meet certain circumstances, they would be seeking a facility just like this one; he noted that he is embarrassed at the stigma that still exists with this; it is embarrassing... these people need help; further, we should fear the people

who are not going to these facilities; how many people want to take their children to a movie theater; what could happen in a movie, well we all know that; and

WHEREAS, someone from the audience yelled why were they not treating the people just in this area; and

WHEREAS, it was noted that the public hearing was finished; Vice Chair Thomasson apologized for steaming up; and

WHEREAS, Mrs. VanderHoeven noted she wanted to invite each of the Commission to come to the Montessori school and see what is happening inside the walls; if they are concerned about the citizens, the ones that are already addicted, she would like for them to come and see the school in action; it is something they have never experienced – it is not day care; she noted that is different, and it amazing what happens within those walls and it is right here in our city; she further explained about the school and the children in the facility; Mr. Thomasson noted that he suspects that they will continue to be cared for, and Mrs. VanderHoeven asked him where; Mr. Thomasson noted in her facility and that she is doing a wonderful job; Mrs. VanderHoeven noted that she will not remain there; she cannot build a 1.2 million dollar facility for infants and toddlers next to this; she noted that just cannot do that – she will need to go elsewhere; it will not happen here in the City of Salem; she again invited the Commission to come before they make their decision; so they can see something beautiful that is happening right here in the city for cream of the crop families that have reached and searched out this facility; some have moved to Salem to be closer to the school; these are professionals that want to do this for their children; she noted that the Commission is shutting down those doors; Mr. Thomasson noted that people do not want to be addicted, it happens circumstantially – it is not necessarily a choice; he knows that she does great work at the school, and it is a wonderful facility; she asked him how he knew this; Mr. Thomasson noted that he has lived in Salem a long time; she asked could the facility be somewhere else; Mr. Thomasson noted that they have not made that decision yet; and

WHEREAS, Chair Daulton noted that they have heard everyone and know the concerns; and they will be considering those concerns; she reminded the audience that they are only a recommending body, so the decision made this evening is only a recommendation to City Council; City Council will make the final decision in the matter; and

WHEREAS, Mr. Charboneau noted as they are making their decision they need to consider the economic impact not just on the Montessori school, but we have Roanoke College whose parents will coming through deciding where to spend \$20-30,000 a year and they are

going to look down the hill and say what is that big building; this is an impact that he is sure Roanoke College will talk to the City about; but eventually what is the impact on the surrounding businesses; etc.; and

WHEREAS, Chair Daulton stated they were ready to vote; Mrs. VanderHoeven asked if they were going to vote instead of giving it another chance to come back; and

WHEREAS, Chair Daulton noted if the petitioner is willing to step forward and request a continuance, she noted that Mount Regis is not the petitioner, but Elizabeth Medical Park, then it could be continued; but if the petitioner is not willing, then they are required to vote this evening; and

WHEREAS, Mrs. VanderHoeven asked how often does City Council oppose what the Commission recommends; Commissioner Robertson noted that they generally come close in their decisions and a lot of times they agree, but Council does turn down items that they say no to; and

WHEREAS, Dan Friesland and Alan Criss of Elizabeth Medical Park noted that they have heard everyone and understand their concerns; they appreciate Mr. Lane explaining the facility and their work; they requested the Commission vote on the matter; and

WHEREAS, a gentleman from the audience (name was not identified) noted to the comments made by Vice Chair Thomasson that not a single person tonight has said that a facility like this would not be needed or warranted, they are just asking that it not be put in this location; he said he wanted to make it clear for the record; and

WHEREAS, Commissioner Robertson noted that this is not the final group vote, they are here to pass along to City Council what their thoughts are; and of course, they have heard from a lot of people tonight and made lots of notes; he is making a recommendation based on some things he has heard this evening: 1) there seems to be no investigation of people coming to the facility and this concerns him with known sex offenders, 2) he knows that they watch people and Mount Regis is doing a great job, but without any kind of control on known sex offenders, he is not so sure that we have control of these people; he personally feels after hearing this and learning some things that he did not know before the meeting that he is opposed to the request;

WHEREAS, Commissioner King noted prior to voting that she is relatively new to the Commission, and this is probably the most difficult decision she has faced to date;

ON MOTION MADE BY COMMISSION MEMBER ROBERTSON, SECONDED COMMISSIONER KING, AND DULY CARRIED, the Planning Commission of the City of Salem doth recommend to the Council of the City of Salem that the request of Elizabeth Medical Park LLC, property owner, for a Use Not Provided for Permit to allow an in-patient rehabilitation facility on the property located at 125 Knotbreak Road (Tax Map #148-1-5) be denied – the roll call vote: Denise P. King – aye, Samuel R. Carter, III, – aye, Jimmy W. Robertson – aye, Bruce N. Thomasson – nay, and Vicki G. Daulton – aye.

There being no further business to come before the Commission, the same on motion adjourned at 9:35 p.m.

Executive Secretary

Chair